

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2807*

House Bill No. 2596

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Beginning with the August 1998 regular election and every eight (8) years thereafter, the judges of the circuit court of the eleventh judicial district shall be elected by cumulative voting. Under this method of voting, the four (4) candidates receiving the highest number of votes for the office of circuit court judge of the eleventh judicial district shall be declared the winners of the four (4) circuit court judge positions. Voters in this election shall be permitted to cast four (4) votes in any manner they choose for the candidates on the ballot or for write-in candidates. Accordingly, the polling machines in Hamilton County shall be modified so as to permit this voting procedure by the August 1998 election.

SECTION 2. Beginning with the August 1998 regular election and every eight (8) years thereafter, the judges of the criminal court of the eleventh judicial district shall be elected by cumulative voting. Under this method of voting, the three (3) candidates receiving the highest number of votes for the office of criminal court judge of the eleventh judicial district shall be declared the winners of the three (3) criminal court judge positions. Voters in this election shall be permitted to cast three (3) votes in any manner they choose for the candidates on the ballot or for write-in candidates. Accordingly, the polling machines in Hamilton County shall be modified so as to permit this voting procedure by the August 1998 election.

SECTION 3. Beginning with the August 1998 regular election and every eight (8) years thereafter, the judges of the chancery court of the eleventh judicial district shall be

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elected by cumulative voting. Under this method of voting, the two (2) candidates receiving the highest number of votes for the office of chancery court judge of the eleventh judicial district shall be declared the winners of the two (2) chancery court judge positions. Voters in this election shall be permitted to cast two (2) votes in any manner they choose for the candidates on the ballot or for write-in candidates. Accordingly, the polling machines in Hamilton County shall be modified so as to permit this voting procedure by the August 1998 election.

SECTION 4. Beginning with the August 1998 regular election and every eight (8) years thereafter, the judges of the general sessions court of Hamilton County shall be elected by cumulative voting. Under this method of voting, the three (3) candidates receiving the highest number of votes for the office of general sessions court judge of the eleventh judicial district shall be declared the winners of the three (3) general sessions court judge positions. Voters in this election shall be permitted to cast three (3) votes in any manner they choose for the candidates on the ballot or for write-in candidates. Accordingly, the polling machines in Hamilton County shall be modified so as to permit this voting procedure by the August 1998 election.

SECTION 5. If additional judgeships are created for the circuit court, criminal court or chancery court for the eleventh judicial district or for the general sessions court of Hamilton County after August, 1998, those judges shall be included in the cumulative voting process at the next regular term election for such judges beginning in August, 2006. If additional judgeships are created for the general sessions court of Hamilton

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County before August, 1998, those judges shall be included in the cumulative voting process at the next regular term election for such judges beginning in August, 1998

SECTION 6. All other acts, public or private, and any provisions of Tennessee Code Annotated that are in conflict with this act are hereby repealed.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall not take effect during the pendency of an appeal of the decision of the United States District Court for the Eastern District of Tennessee in Cousin v. Sundquist, No. 90-CV-339, which held the at-large election of the circuit, criminal and chancery court judges of the eleventh judicial district and the general sessions court judges of Hamilton County to violate Section 2 of the Voting Rights Act, before the United States Court of Appeals for the Sixth Circuit or the Supreme Court of the United States. If a final decision is rendered in favor of the defendants in this case resulting in its dismissal, then this law shall never take effect. If a final decision is rendered in favor of the plaintiffs in this case before January 1, 1998, then this law shall take effect on January 1, 1998. If a final decision is rendered in favor of the plaintiffs after January 1, 1998, then this law shall take effect upon the date of that final decision.